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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10 GREGORY L. BROWN,) No. C 08-3501 MMC (PR)
11 Petitioner,) **ORDER ADMINISTRATIVELY**
12 v.) **CLOSING CASE; DIRECTIONS TO**
13 KEN CLARK, Warden,) **CLERK**
14 Respondent.)
_____)

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16 On July 22, 2008, two habeas corpus actions were opened in this court as the result of
17 filings received from petitioner, a California prisoner proceeding pro se. The first action,
18 C 08-3502, is a petition for a writ of habeas corpus, in which petitioner alleges that in 1995,
19 in the Superior Court of San Francisco County, he was wrongly convicted of conspiracy to
20 commit murder and attempted murder. (See Brown v. Clark, C 08-3502 MMC (PR)). On
21 July 28, 2008, the Court dismissed the petition as a second or successive petition, pursuant to
22 28 U.S.C. § 2244(b).

23 The above-titled action is the second action, which is comprised of two documents.
24 The first document is titled “Greg’s Declaration and Memorandum in Support of Good Cause
25 to File a Late Petition for Writ of Habeas Corpus Due to Newly Discovered Evidence and a
26 Claim of Actual Innocence” (“Declaration”); the second document consists of exhibits in
27 support of said Declaration. In his Declaration, petitioner explains that he is seeking leave to
28 file, on grounds of newly discovered evidence, a “late” petition challenging his 1995


1 conviction for conspiracy to commit murder and attempted murder.

2 It is clear from the Declaration that petitioner intended that both the Declaration and
3 supporting exhibits be filed with his petition in Case No. C 08-3502. Accordingly, as the
4 instant action was opened in error, the Clerk of the Court is hereby DIRECTED to
5 administratively close the case and to file the documents from the instant action in case
6 number C 08-3502.¹

7 Because the instant action was opened in error, no filing fee is due.

8 IT IS SO ORDERED.

9 DATED: July 30, 2008

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11 MAXINE M. CHESNEY
12 United States District Judge
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27 ¹Case No. C 08-3502 remains closed. The filing of the above-referenced documents
28 in Case No. C 08-3502 is an administrative matter and has no effect on the Court's dismissal
of the petition therein as a second or successive petition.